

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

Plaintiff's Initial Trial Exhibit List

Style: Catherine Alexander v. Take Two Interactive Software, Inc., et al.

Case Number: 3:18-cv-0966-SMY

Presiding Judge: STACI M. YANDLE	Plaintiff's Attorneys: Anthony G. Simon Anthony R. Friedman THE SIMON LAW FIRM, P.C. R. Seth Crompton THE HOLLAND LAW FIRM	Defendants' Attorneys: Dale M. Cendali Joshua L. Simmons KIRKLAND & ELLIS LLP Jerry McDevitt Curtis Krasik K&L GATES LLP Michael J. Nester DONOVAN ROSE NESTER P.C.
Trial Date: October 19, 2020	Court Reporter: Chris Dohack LaBuwi	Courtroom Deputy: Stacie Hurst

Pltf No.	Deft. No.	Date Marked	Description	Objection	Admitted
1			Certificate of Registration from the U.S. Copyright Office –Dove [ALEXANDER000060-61]		
2			Certificate of Registration from the U.S. Copyright Office – Rose [ALEXANDER000062]		
3			Certificate of Registration from the U.S. Copyright Office – Skulls [ALEXANDER000063-64]		
4			Certificate of Registration from the U.S. Copyright Office – Tribal Addition [ALEXANDER000065-66]		
5			Certificate of Registration from the U.S. Copyright Office – Tribal Design [ALEXANDER000070-71]		
6			Copyright registration application for Tribal Addition design [ALEXANDER000001-4, Alexander Depo Exh 3]		
7			Copyright registration application for Dove design [ALEXANDER000009-14, Alexander Depo Exh 16]		

Pltf No.	Deft. No.	Date Marked	Description	Objection	Admitted
8			Copyright registration application for Rose design [ALEXANDER000015-19, Alexander Depo Exh 17]		
9			Copyright registration application for Skulls design [ALEXANDER000020-24, Alexander Depo Exh 18]		
10			Copyright registration application for Tribal design [ALEXANDER000025-28, Alexander Depo Exh 7]		
11			Photograph of Plaintiff and Mr. Orton [ALEXANDER000036]		
12			Sketch of Plaintiff's dove tattoo design [ALEXANDER000037, Alexander Depo Exh 12]		
13			Sketch of Plaintiff's tribal addition tattoo design [ALEXANDER000038, Alexander Depo Exh 5]		
14			Sketch of Plaintiff's tribal addition tattoo design [ALEXANDER000039, Alexander Depo Exh 6]		
15			Sketch of Plaintiff's tribal addition tattoo design [ALEXANDER000040, Alexander Depo Exh 4]		
16			Sketch of Plaintiff's tribal design addition for Mr. Orton's tattoos arm(s) [ALEXANDER000041, Alexander Depo Exh 8]		
17			Photograph of Mr. Orton with tattoos on arms [ALEXANDER000043, Alexander Depo Exh 11]		
18			Photograph of Mr. Orton's arm tattoos [ALEXANDER000044, Alexander Depo Exh 10]		
19			Photograph of Mr. Orton's upper arm tribal design and partial view of back tribal addition [ALEXANDER000045, Alexander Depo Exh 14]		
20			Photograph of Mr. Orton's tattoos on arms [ALEXANDER000046]		
21			Photograph of Mr. Orton's upper arm and upper back tribal tattoos [ALEXANDER000047]		
22			Photograph of Mr. Orton's Rose arm tattoos [ALEXANDER000048, Alexander Depo Exh 13]		
23			Photograph of Mr. Orton's skull arm tattoos [ALEXANDER000049]		
24			George Lopez show, interview of Mr. Orton [ALEXANDER000050]		
25			Article: The 20 Coolest Tattoos in WWE History [Zagal Depo Exh 3]		

Pltf No.	Deft. No.	Date Marked	Description	Objection	Admitted
26			WWE 2K Franchise Sales Since Apr'2015 [TAKE-TWO_0000982, Snyder Depo Exh 9]		
27			WWE 2K Franchise Sales Since Apr'2015 [TAKE-TWO_0000983, Snyder Depo Exh 10]		
28			WWE 2K Franchise Sales Since Apr'2015 [TAKE-TWO_0001332, Snyder Depo Exh 11]		
29			License between Take-Two Interactive Software, Inc. and World Wrestling Entertainment [TAKE-TWO_0000498-542, Little Depo Exh 2]		
30			Amendment 1 to License between Take-Two Interactive Software, Inc. and World Wrestling Entertainment [TAKE-TWO_0000543-559, Little Depo Exh 3]		
31			Master Development Agreement between Yuke's Co., Ltd. and World Wrestling Entertainment [TAKE-TWO_0000560-609, Little Depo Exh 4]		
32			Images of Mr. Orton [TAKE-TWO_0000798-822, Little Depo Exh 5]		
33			Images of Mr. Orton [TAKE-TWO_0000909-929, Little Depo Exh 6]		
34			Screenshot of WWE 2K16 video of Mr. Orton's tattoos [TAKE-TWO_0000481, Little Depo Exh 7]		
35			IndianVideoGamer.com Interview: WWE 2K18 Executive Producer Mark Little [Little Depo Exh 8]		
36			United States Securities and Exchange Commission – Form 10-K for Take-Two Interactive Software, Inc. for the fiscal year ended March 31, 2018 [Clark Depo Exh 4]		
37			Opening Expert Report of Jose Zagal dated November 15, 2018		
38			Exhibit A to Opening Expert Report of Jose Zagal		
39			Supplemental Expert Report of Jose Zagal dated February 4, 2019		
40			Responding Expert Report of Jose Zagal dated February 21, 2019		
41			Expert Rebuttal Report of Ryan J. Clark dated February 21, 2019		
42			Physical copy of WWE 2K16, XBOX ONE format [M. Little's Declaration, Doc 142-1]		
43			Packaging and insert of WWE 2K16 XBOX ONE format [M. Little's Declaration, Doc 142-1]		

Pltf No.	Deft. No.	Date Marked	Description	Objection	Admitted
44			Physical copy of WWE 2K17, XBOX ONE format [M. Little's Declaration, Doc 142-1]		
45			Packaging and insert of WWE 2K17 XBOX One format [M. Little's Declaration, Doc 142-1]		
46			Physical copy of WWE 2K18, XBOX ONE format [M. Little's Declaration, Doc 142-1]		
47			Packaging and insert of WWE 2K18 XBOX One format [M. Little's Declaration, Doc 142-1]		
48			Physical copy of WWE 2K16, Sony PlayStation 4 format [TAKE-TWO_0000001]		
49			Packaging and Insert of WWE 2K16 Sony PlayStation 4 format [TAKE-TWO_0000001]		
50			Physical copy of WWE 2K17, Sony PlayStation 4 format [TAKE-TWO_0000002]		
51			Packaging and Insert of WWE 2K17 Sony PlayStation 4 format [TAKE-TWO_0000002]		
52			Physical copy of WWE 2K18, Sony PlayStation 4 format [TAKE-TWO_0000003]		
53			Packaging and Insert of WWE 2K18 Sony Play Station 4 format [TAKE-TWO_0000003]		
54			WWE Source Product Submission #3540 [Kiang Depo Exh 4; WWE_Alexander0000109]		
55			WWE Source Product Submission #17984 [Kiang Depo Exh 5; WWE_Alexander0000207]		
56			WWE Source Product Submission #4073 [Kiang Depo Exh 6; WWE_Alexander0000112]		
57			Bryce Yang's 8-6-14 Email Chain [Kiang depo Exh 7; WWE_Alexander0000094]		
58			Screenshot of WWE 2K15 video of Mr. Orton's tattoos [WWE_Alexander_0000098]		
59			Screenshot of WWE 2K17 video of Mr. Orton's tattoos [WWE_Alexander_0000166]		
60			Video of Mr. Orton's videogame character [TAKE-TWO_0000823.M4V]		
61			Video of Mr. Orton from WWE 2K Game [WWE_Alexander0000172.m4v]		
62			Video of Mr. Orton from WWE 2K Game [WWE_Alexander0000180.m4v]		
63			Trailer for WWE 2K17 containing Mr. Orton [WWE_Alexander0000200.mp4]		
64			Trailer for WWE 2K16 containing Mr. Orton [TAKE-TWO_0000481.mp4]		

Pltf No.	Deft. No.	Date Marked	Description	Objection	Admitted
65			Capture from the videogame WWE 2K16 depicting the infringing Rose tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000001]		
66			Capture from the videogame WWE 2K16 depicting the infringing dove tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000001]		
67			Capture from the videogame WWE 2K16 depicting the infringing skulls tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000001]		
68			Capture from the videogame WWE 2K16 depicting the infringing tribal tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000001]		
69			Capture from the videogame WWE 2K16 depicting the infringing tribal addition tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000001]		
70			Capture from the videogame WWE 2K17 depicting the infringing Rose tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000002]		
71			Capture from the videogame WWE 2K17 depicting the infringing dove tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000002]		
72			Capture from the videogame WWE 2K17 depicting the infringing skulls tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000002]		
73			Capture from the videogame WWE 2K17 depicting the infringing tribal tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000002]		
74			Capture from the videogame WWE 2K17 depicting the infringing tribal addition tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000002]		

Pltf No.	Deft. No.	Date Marked	Description	Objection	Admitted
75			Capture from the videogame WWE 2K18 depicting the infringing Rose tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000003]		
76			Capture from the videogame WWE 2K18 depicting the infringing dove tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000003]		
77			Capture from the videogame WWE 2K18 depicting the infringing skulls tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000003]		
78			Capture from the videogame WWE 2K18 depicting the infringing tribal tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000003]		
79			Capture from the videogame WWE 2K18 depicting the infringing tribal addition tattoo on Randy Orton's in game character model [M. Little's Declaration, Doc 142-1; TAKE-TWO_0000003]		
80			Photographs of the rose tattoo on Randy Orton [ALEXANDER000018-19]		
81			Photographs of the dove tattoo on Randy Orton [ALEXANDER000012-14]		
82			Photographs of the skulls tattoo on Randy Orton [ALEXANDER000023-24]		
83			Photographs of the tribal tattoo on Randy Orton [ALEXANDER000028]		
84			Photographs of the tribal addition tattoo on Randy Orton [ALEXANDER000004]		
85			World Wrestling Entertainment, Inc.'s Objections and Responses to Plaintiff's First Set of Interrogatories dated August 17, 2018		
86			World Wrestling Entertainment, Inc.'s Objections and Responses to Plaintiff's First Set of Requests for Admission dated August 17, 2018		
87			Defendant World Wrestling Entertainment, Inc.'s Objections to Plaintiff's Second Set of Requests for Admission dated October 15, 2018		
88			Defendant World Wrestling Entertainment, Inc.'s		

Pltf No.	Deft. No.	Date Marked	Description	Objection	Admitted
			Objections to Plaintiff's First Set of Requests for Production dated October 15, 2018		
89			Defendant World Wrestling Entertainment, Inc.'s Objections to Plaintiff's Second Set of Interrogatories dated October 15, 2018		
90			Defendant World Wrestling Entertainment, Inc.'s Objections To Plaintiff's Second Set of Requests for Production dated November 19, 2018		
91			Defendant World Wrestling Entertainment, Inc.'s Supplemental Objections and Responses to Plaintiff's First Set of Requests for Production dated May 15, 2020		
92			Defendant World Wrestling Entertainment, Inc.'s Supplemental Objections and Responses to Plaintiff's Second Set of Interrogatories dated May 15, 2020		
93			Defendant World Wrestling Entertainment, Inc.'s Supplemental Objections and Responses to Plaintiff's Second Set of Requests for Admission dated May 15, 2020		
94			Defendant Take-Two Interactive Software, Inc.'s Objections and Responses to Plaintiff Catherine Alexander's First Set of Requests for Admission dated October 15, 2018		
95			Defendant 2K Games, Inc.'s Objections and Responses to Plaintiff Catherine Alexander's First Set of Requests for Admission dated October 15, 2018		
96			Defendant 2K Sports, Inc.'s Objections and Responses to Plaintiff Catherine Alexander's First Set of Requests for Admission dated October 15, 2018		
97			Defendant Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's First Set of Requests for Admission dated October 15, 2018		
98			Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., and Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's First Set of Requests for Production dated October 15, 2018		

Pltf No.	Deft. No.	Date Marked	Description	Objection	Admitted
99			Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., and Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's First Set of Interrogatories dated October 15, 2018		
100			Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., and Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's Second Set of Requests for Production dated November 19, 2018		
101			Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., and Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's Third Set of Requests for Production dated October 11, 2019		
102			Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., and Visual Concepts Entertainment's Objections and Responses to Plaintiff Catherine Alexander's Second Set of Requests for Admissions dated October 11, 2019		
103			Cover art for WWE 2K12 depicting Randy Orton		
104			WWE 2K16 video [TAKE-TWO_0000177.mp4]		
105			WWE 2K16 video [TAKE-TWO_0000178.mp4]		
106			WWE 2K17 video [TAKE-TWO_0000179.mp4]		
107			WWE 2K17 video [TAKE-TWO_0000180.mp4]		
108			WWE 2K18 video [TAKE-TWO_0000181.mp4]		
109			WWE 2K18 video [TAKE-TWO_0000182.mp4]		
110			WWE 2K17 video [TAKE-TWO_0000471.mp4]		
111			WWE 2K18 video [TAKE-TWO_0000472.mp4]		
112			WWE 2K18 video [TAKE-TWO_0000473.mp4]		
113			WWE 2K16 video [TAKE-TWO_0000474.mp4]		
114			WWE 2K18 video [TAKE-TWO_0000475.mp4]		
115			WWE 2K17 video [TAKE-TWO_0000476.mp4]		
116			WWE 2K17 video [TAKE-TWO_0000477.mp4]		
117			WWE 2K16 video [TAKE-TWO_0000478.mp4]		
118			WWE 2K16 video [TAKE-TWO_0000479.mp4]		
119			WWE 2K17 video [TAKE-TWO_0000480.mp4]		
120			WWE 2K17 video [TAKE-TWO_0000482.mp4]		
121			WWE 2K16 video [TAKE-TWO_0000483.mp4]		

Pltf No.	Deft. No.	Date Marked	Description	Objection	Admitted
122			WWE 2K17 video [TAKE-TWO_0000484.mp4]		
123			WWE 2K18 video [TAKE-TWO_0000485.mp4]		
124			WWE 2K17 video [TAKE-TWO_0000486.mp4]		
125			WWE 2K17 video [TAKE-TWO_0000487.mp4]		
126			WWE 2K17 video [TAKE-TWO_0000488.mp4]		
127			WWE 2K17 video [TAKE-TWO_0000489.mp4]		
128			WWE 2K16 video [TAKE-TWO_0000490.mp4]		
129			WWE 2K18 video [TAKE-TWO_0000491.mp4]		
130			WWE 2K17 video [TAKE-TWO_0000492.mp4]		
131			WWE 2K18 video [TAKE-TWO_0000493.mp4]		
132			WWE 2K18 video [TAKE-TWO_0000494.mp4]		
133			WWE 2K18 video [TAKE-TWO_0000495.mp4]		
134			WWE 2K18 video [TAKE-TWO_0000496.mp4]		
135			360 video of Randy Orton character [TAKE-TWO_0000930.mp4]		
136			360 video of Randy Orton character [WWE_Alexander0000111.mp4]		
137			360 video of Randy Orton character [WWE_Alexander0000131.mp4]		
138			360 video of Randy Orton character [WWE_Alexander0000134.mp4]		
139			WWE 2K16 walk out video of Randy Orton character [WWE_Alexander0000139.mp4]		
140			WWE 2K16 video [WWE_Alexander0000147.mp4]		
141			WWE 2K16 video [WWE_Alexander0000150.mp4]		
142			360 video of Randy Orton character [WWE_Alexander0000154.mp4]		
143			360 video of Randy Orton character [WWE_Alexander0000161.mp4]		
144			360 video of Randy Orton character [WWE_Alexander0000205.mp4]		
145			360 video of Randy Orton character [WWE_Alexander0000206.mp4]		
146			Take-Two Defendants' Supplemental Responses to Plaintiff's Interrogatory Nos. 7 and 8 once produced by Take-Two Defendants		
147			Take-Two Defendants' Supplemental Responses to Plaintiff's Requests for Production Nos. 10, 13 and 17 once produced by Take-Two Defendants		
148			WWE's Supplemental Responses to Plaintiff's Interrogatory Nos. 2, 10 and 11 once produced by WWE		

Pltf No.	Deft. No.	Date Marked	Description	Objection	Admitted
149			WWE's Supplemental Responses to Plaintiff's Requests for Production Nos. 13 and 17 once produced by WWE		

Dated: September 18, 2020

Respectfully submitted,

/s/ Anthony G. Simon

Anthony G. Simon, IL 6209056
 Anthony R. Friedman, IL 6299795
THE SIMON LAW FIRM, P.C.
 800 Market Street, Suite 1700
 St. Louis, Missouri 63101
 Phone: (314) 241-2929
 Fax: (314) 241-2029
 asimon@simonlawpc.com
 afriedman@simonlawpc.com

R. Seth Crompton
THE HOLLAND LAW FIRM
 300 N. Tucker, Suite 801
 St. Louis, Missouri 63101
 scrompton@allfela.com
 Phone: (314) 241-8111
 Facsimile: (314) 241-5554

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record via this Court's CM/ECF system on September 18, 2020.

/s/ Anthony G. Simon